



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/789,087	02/27/2004	Paul M. Dantzig	YOR920030580US1	7520

7590 08/18/2008
William E. Lewis
RYAN, MASON & LEWIS, LLP
90 Forest Avenue
Locust Valley, NY 11560

EXAMINER

HU, JINSONG

ART UNIT	PAPER NUMBER
----------	--------------

2154

MAIL DATE	DELIVERY MODE
-----------	---------------

08/18/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/789,087	Applicant(s) DANTZIG ET AL.	
	Examiner JINSONG HU	Art Unit 2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 May 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>3/29/04, 10/29/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-8 and 10-20 are presented for examination. Claims 1, 10-11, 16-17 and 20 have been amended.

2. Applicant have amended claim 16 to remove 101 rejection, the limitations in claim 16 satisfy 101 requirement. However, based on MPEP requirement, all limitations listed in the claims should be supported by the specification. Applicant is required to amend the specification to support the “computer readable storage medium” as well as avoiding using any non-statutory subject matter within the definition.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-8 and 10-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Schneider (US 2001/0037402).

Art Unit: 2154

5. As per claims 1-2 and 5, Schneider teaches the invention as claimed including a method of delivering content in a client-server system based on a request from a client [abstract], comprising the steps of:

obtaining the request [par. 20, lines 1-3];

determining a performance characteristic of at least one server or at least one cache of the client-server system [pars. 16, 20 & 29]; and

determining a level of data accuracy to be delivered to the client in response to the request, the determination being based on: (i) the determined performance characteristic of the at least one server or the at least one cache; and (ii) at least one preference associated with the client [pars. 16, 18, 20, 23, 25 & 27-28].

6. As per claims 3 and 4, Schneider teaches the determination of a level of data accuracy on at least one personalization preference [pars. 17, 25 & 27-28].

7. As per claims 6-8, Schneider teaches the step of delivering content in a client-server system comprises delivering one or more Web pages [inherent, pars. 4 & 8, the content delivered from server could be web page].

8. As per claim 10, Schneider teaches the invention as claimed including a method of delivering content in a client-server system based on a request from a client [abstract], comprising the steps of:

obtaining the request [par. 20, lines 1-3];

Art Unit: 2154

determining a characteristic of at least one server or at least one cache of the client-server system [pars. 16, 20 & 29]; and

determining a level of personalization to be delivered to the client in response to the request, the determination being based on: (i) the determined characteristic of the at least one server or the at least one cache; and (ii) at least one preference associated with the client [pars. 16, 18, 20, 23, 25 & 27-28].

9. As per claims 11-15, since they are apparatus claims of 1-3, 5 and 7, they are rejected for the same basis as claims 1-3, 5 and 7 above.

10. As per claims 16 and 20, since they are manufacture and system claims of claim 1, they are rejected for the same basis as claim 1 above.

11. As per claims 17-19, since they teach the same limitations as claims 1-3, they are rejected for the same basis as claims 1-3 above.

Conclusion

12. Applicant's arguments with respect to claims have been considered but are not persuasive.

13. In the remarks, applicant argued in substance that

Art Unit: 2154

A. Schneider does not teach determining a level of data accuracy associated with content to be delivered to the client in response to the request;

B. Schneider does not teach determining a transmission method to be used to transmit data.

14. Examiner respectfully traverses applicant's remarks:

Regarding point A, applicant fails to consider the teaching of Schneider for determining the model quality for transmission data [i.e., level of data accuracy associated with content] requested by user, the model quality measured as a number between 0.0-0.1, taking into account levels of interaction, speed etc., Schneider also disclosed the method for calculating the transmission quality [par. 28]. Thus, Schneider does teach determining a level of data accuracy associated with content to be delivered to the client in response to the request.

Regarding point B, applicant fails to consider the teaching of Schneider for choosing the transmission method based on user's capability, network bandwidth, server load etc. [par. 30-32]. Thus, Schneider does teach determining a transmission method to be used to transmit data.

Accordingly, Schneider is still a relevant prior art reference.

15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

Art Unit: 2154

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

16. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jinsong Hu whose telephone number is (571) 272-3965. The examiner can normally be reached on 8:00 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn can be reached on (571) 272-1915. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

Art Unit: 2154

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Jinsong Hu/

Primary Examiner, Art Unit 2154

<div>Application Number</div> <div></div>	Application/Control No.	Applicant(s)/Patent under Reexamination	
	10/789,087	DANTZIG ET AL.	
	Examiner	Art Unit	
	JINSONG HU	2154	